

INTRADEPARTMENTAL CORRESPONDENCE

January 28, 2021
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING, FID NO. 011-20

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Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 011-20. A Use of Force Review Board (UOFRB) was convened on this matter on January 14, 2021. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On Monday, March 30, 2020, Police Officers R. Rodriguez, Serial No. 38654, and A. Bustamante, Serial No. 40558, were assigned to Metropolitan Division, Crime Impact Team (CIT). One of the CIT responsibilities was assisting divisional detectives with criminal investigations that occurred within Operations West Bureau (OWB).

According to the FID investigation, Officer Rodriguez received information from Detective J. Maloney, Serial No. 36902, Wilshire Area, Robbery Detectives, regarding an armed robbery that had occurred on March 19, 2020.² Detective Maloney requested the assistance of Officer Rodriguez and Metropolitan CIT in locating and identifying the three outstanding robbery suspects. Detective Maloney provided Officer Rodriguez with copies of the Investigative Report as well as the suspect's information including photographs of the suspects and the suspects' vehicle (2001 Toyota Echo, green in color, California License Plate No. 4SJB508). Per the Department of Motor Vehicles (DMV), the suspect's vehicle was registered to an individual at 11930 Laurel Avenue in the City of Whittier. This address was located in an un-incorporated area of Whittier and within the Los Angeles Sheriff's Department (LASD) jurisdiction. Officer Rodriguez agreed to assist Detective Maloney and assumed investigative responsibility for the surveillance aspect of the investigation.

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² Per the related Robbery Investigative Report, the person reporting (PR) the robbery indicated that three suspects entered the store and attempted to take beer without paying. When the PR attempted to stop them, one suspect brandished a handgun, and another brandished a knife during the incident.

According to the FID investigation, on March 30, 2020, Officer Bustamante completed a Metropolitan Division CIT Operations Plan in preparation for a surveillance operation. The operations plan contained pertinent information including, but not limited to the location of the activity and type of crime, radio frequency, suspect information, suspect vehicle information, personnel assigned to the operation and a brief summary, including a description of what information led to the operation. Per the operations plan, the goal of the surveillance operation was to locate the suspect vehicle and follow the driver/occupants of the suspects' vehicle in an attempt to locate and identify the robbery suspects. If the robbery suspects were positively identified, the uniformed officers would detain and apprehend the suspects. Sergeant J. Kim, Serial No. 32184, Metropolitan Division, CIT, reviewed and approved the operations plan.

According to Sergeant Kim, he ensured all of the required notifications were made and he emailed the operations plan to Lieutenant J. Jenal, Serial No. 23703, Metropolitan Division, CIT, Officer in Charge (OIC), for approval. On March 30, 2020, the surveillance operation commenced. The suspects were not located or identified, so the operation resumed on March 31, 2020 (**Debriefing Point No. 1 – Tactical Planning and Additional Tactical Debrief Topic – Operations Plan**).

According to the FID investigation, on March 31, 2020, Officer Rodriguez updated the date and time on the operations plan and ensured that the required notifications were made. At approximately 1400 hours, Officers Rodriguez and Bustamante conducted a briefing with the CIT personnel for the second day of the surveillance operation. According to Officer Bustamante, he provided the officers with a synopsis of the crime and discussed their roles and assignments. Officer Bustamante advised the officers that their goal was to locate the suspect's vehicle and attempt to identify the suspects involved in the robbery. According to Sergeant Kim, "As in all of our briefings, I ensured that all of our officers had their required equipment and knew what their roles were as far as what their attire and their gear should be for their assignments." Additionally, Sergeant Kim added, "And we were all operating in a UC (undercover) capacity, because there was a chance that we'd have to interact with people, get out on foot."

The following Metropolitan Division CIT personnel were assigned to the surveillance operation: Officers G. Garcia, Serial No. 38089, A. Estrada, Serial No. 38040, E. Muro, Serial No. 36863, A. Hoyos, Serial No. 36676, M. Trejo, Serial No. 37913, G. Garcia, Serial No. 38089, A. Estrada, Serial No. 38040, K. Clark, Serial No. 39587, and B. Hegemier, Serial No. 40216. These officers were in plainclothes and driving unmarked police vehicles. Officers B. Purece, Serial No. 32488, and K. Tudor, Serial No. 40659, were in full uniform and driving an unmarked dual purpose police vehicle. The officers communicated with one another via City-Wide, Tac-5, Channel 47 frequency, which was also assigned a Radio Telephone Operator (RTO) (**Additional/Equipment – Baton, Hobble Restraint Device, and Vehicle Code Violations**).

Note: Officers Garcia and Estrada have been partners in CIT for approximately three months but have worked together while assigned to Metropolitan Division for approximately two and a half years, and have had numerous discussions regarding tactics. The discussions have included, but were not limited to, the concepts of contact and cover, traffic stops,

non-lethal use of force, OIS incidents, command and control of minor and critical incidents, and the utilization of de-escalation tactics. Additionally, the CIT team trains as a unit twice a month, with training that involved shooting and tactics.

According to the FID investigation, at approximately 1428 hours, Officer Purece placed the CIT personnel Code Six at the target location, 11930 Laurel Avenue in the City of Whittier, via his Mobile Data Computer (MDC). Officers Hegemier and Clark parked their vehicle along the east curb of Laurel Avenue, directly in front of the target location and assumed the role of communications officer. According to Officer Hegemier, he communicated with the other officers on the surveillance team and ensured they were positioned in all four directions. The operation began as a static surveillance, as officers monitored the location from within their parked police vehicles.³ Officer Hegemier and Clark were designated the point vehicle and broadcast events occurring at the target location. Officer Rodriguez was positioned approximately one block south of the target location and parked on the east side of Laurel Avenue facing north. Officer Rodriguez was responsible for monitoring the suspects' vehicle. Officers Muro and Bustamante were assigned to cover the northwest and positioned themselves on Beaty Avenue just west of Fidel Avenue. Officer Hoyos and Trejo were assigned to cover the east and positioned themselves on Carmenita Road, south of Beaty Avenue. Officers Garcia and Estrada were assigned to cover the west and positioned themselves on Laurel Avenue, north of Beaty Avenue. Officers Garcia and Estrada parked along the west curb, facing south, adjacent to 11711 Laurel Avenue. Officers Purece and Tudor were assigned as the uniformed chase unit and positioned themselves in the north/south alley, east of Carmenita Road, approximately one block north of Imperial Highway. Sergeant Kim was the supervisor for the surveillance operation and positioned himself on the southwest corner of Meyer Road and Carmenita Road (**Debriefing Point No. 2 – Body Armor**).

According to the FID investigation, Officer Hegemier and the CIT team utilized a messaging application to share photos of individuals who appeared to be associated with the target location. During the surveillance, Officer Hegemier observed two male Hispanics, later identified as Cesar Humberto Lopez and Charles Anthony Segura, cross the street directly in front of their vehicle and walk south on the east sidewalk of Laurel Avenue. Lopez was carrying a large duffle bag slung over his shoulder. Lopez and Segura appeared to slow their pace as they approached their location and appeared to be looking inside of their vehicle. Although Lopez and Segura did not stop at the target location, Officer Hegemier took a photograph of them. According to Officer Hegemier, since Lopez and Segura did not stop at the target location, he did not initially advise the surveillance personnel of their presence. Lopez and Segura continued walking south on Laurel Avenue out of their view. A short time later, Officer Rodriguez observed Lopez and Segura walking south on the east sidewalk of Laurel Avenue. Officer Rodriguez stated Lopez and Segura peered into his vehicle as they passed by him. Lopez bumped into the rear portion of Officer Rodriguez's vehicle, as he walked by. Lopez looked at Officer Rodriguez through the side mirror of Officer Rodriguez's vehicle. Lopez and Segura continued south on Laurel Avenue and occasionally looked back in Officer Rodriguez's direction. Due to no officers being located

³ Per the Los Angeles Police Department (LAPD), Use of Force-Tactics Directive No. 10.3, Undercover and Surveillance Operations, dated March 2019, a static surveillance is defined as follows: The incident and UC operation is stationary and being observed from or at primarily the same location.

in Lopez and Segura's direction of travel, Officer Rodriguez stated he did not broadcast his observations to the surveillance team because he did not consider them a threat to any of the involved officers.

According to Officer Rodriguez, approximately 45 minutes to an hour later, Lopez and Segura returned and walked northbound on the east sidewalk of Laurel Avenue. As Lopez walked past Officer Rodriguez's vehicle, he looked through the front windshield and stared at Officer Rodriguez. When Lopez and Segura reached the intersection of Sunshine Avenue and Laurel Avenue, they stopped and looked back at Officer Rodriguez. Lopez and Segura spoke with each other and then continued north (**Additional Tactical Debrief Topic – Securing Firearm**).

According to the FID investigation, at approximately 1655:23 hours, Officer Rodriguez broadcast, "Hey point (referring to Officers Hegemier and Clark) just be advised there's two male Hispanics walking northbound, your way, your side of the street, they walked southbound earlier. One is a heavy build male Hispanic (Lopez) gray shirt and the other one is a thin build male Hispanic (Segura) blue jacket, they are looking into cars." Officers Hegemier and Clark observed Lopez and Segura walking north on Laurel Avenue, with Lopez on the east sidewalk and Segura in the middle of the street. Officers Hegemier and Clark noted that Lopez and Segura were looking up and down the street constantly. According to Officer Clark, "Both of them (Lopez and Segura) had their heads on a swivel up and down the street constantly looking for - - I don't know what they were looking for but appeared to be like they were looking for the police." According to Officer Hegemier, based on his prior experience working gang assignments, it is common for the individual walking in the street to be acting as the lookout, while the person on the sidewalk is armed, acting as security. According to Officer Hegemier, "Based on the actions these guys were doing, peering into cars as they were walking by, it kind of heightened my awareness at that point." As Lopez and Segura approached the rear of Officers Hegemier and Clark's vehicle, Lopez whistled to an unidentified male who was on the west side of Laurel Avenue. According to Officer Hegemier, Lopez and Segura walked in a westerly direction across Laurel Avenue and engaged in a brief conversation with the unidentified male. Lopez and Segura then continued walking north on Laurel Avenue, with Lopez on the west sidewalk and Segura along the west side of the street.

According to the FID investigation, shortly thereafter, Officer Hegemier observed Lopez reach into the duffle bag and retrieve an object resembling a handgun. According to Officer Hegemier, "He reached into the bag, didn't expose it very hard. He took it out and rested it on top, and I could see that his hand was kind of - - you know, as he was - - his hand was wrapped around it and his finger was down the slide. I was able to see the top butt of a gun." Officer Clark observed Lopez holding a black object, which he believed to be a firearm.

According to Officer Clark, "He had a blue duffle bag slung around his shoulder, and I could see the way he was holding a black object up against the dark blue duffle bag. It appeared to be a firearm and I believed it to be a firearm based on his hands - - the light part of his hands on the black object." Officer Clark stated that Lopez was holding the firearm as if he were laying it down on a table. Officer Clark added, "Almost like his pointer finger was along the slide. That's what it looked like. Like he had his finger on the slide and holding the grip of the gun up

on - - laying it - - resting it on top of the duffle bag.” Officer Clark communicated his observations with Officer Hegemier.

According to the FID investigation, at approximately 1657:13 hours, Officer Hegemier broadcast, “Point they’re (Lopez and Segura) past us. Anybody north be advised the heavy set male Hispanic (Lopez) with the grey shirt and the backpack on his right side, about 80-percent sure he’s got a pistol in his hand, got his head on a swivel just keeping his hand in the bag. It’s on top of the bag right now, so just use caution.” Officer Rodriguez made a broadcast advising that Lopez had bumped into his vehicle earlier. Officer Hegemier replied by broadcasting, “Rog, they checked us out about an hour ago when they came down. More so checked out the van, they can’t see in but, he’s (Lopez) definitely got the pistol out of the bag though.” After broadcasting his observations of Lopez and Segura, Officer Hegemier took an additional photograph of Lopez and Segura with his cellular phone.

According to Officer Purece, he and Officer Tudor heard the broadcasts initiated by Officers Hegemier and Rodriguez. According to Officer Purece, “My partner and I, obviously, recognize the fact that, hey, we possibly have an armed suspect within our perimeter. Prior to this incident and during all our incidents, we have made it very clear that we don’t want to have uniformed chase start rolling into something like that unless specifically directed to do so. It is the case agent’s call or the supervisor’s call to bring us in at that point.” Officers Purece and Tudor remained in place, awaiting direction from Sergeant Kim and/or Officer Rodriguez (**Debriefing Point No. 3 – Tactical Planning/Tactical Communication**).

According to the FID investigation, Officers Garcia and Estrada were still positioned on Laurel Avenue north of Beaty Avenue. Officer Estrada was seated in the driver’s seat and Officer Garcia was sitting in the front passenger seat. They also heard the broadcasts initiated by Officers Hegemier and Rodriguez and were aware that Lopez and Segura were walking in their direction. Officer Estrada stated he observed Lopez and Segura walking north on Laurel Avenue, with Lopez on the west sidewalk and Segura in the street. According to Officer Garcia, he raised up in his seat and also observed Lopez and Segura approaching. Both officers communicated their observations with one another. Officer Garcia estimated that approximately 10 to 15 seconds elapsed, from the moment Officer Hegemier broadcast the information about the handgun, until he observed Lopez and Segura walking in their direction.

According to the FID investigation, at approximately 1657:53 hours, Officer Estrada broadcast to the CIT team that he had a visual of Lopez and Segura. Officer Estrada asked if the male with the white shirt (Lopez) was holding the bag. Officer Hegemier replied, “Heavyset, grey bag” and advised he would send a photograph of the suspects. Officer Estrada advised the team that Lopez and Segura were still walking north. Officer Hegemier sent a photograph of Lopez and Segura to the CIT team via the messenger application. As Lopez and Segura approached Beaty Avenue, they walked in an easterly direction across Laurel Avenue. They continued walking north on Laurel Avenue, with Lopez walking on the east sidewalk and Segura walking in the street, along the east side of the street. Officer Estrada broadcast to the team, advising that Lopez and Segura continued walking north, from Beaty Avenue.

Note: According to Officer Estrada, he also broadcast that Lopez and Segura crossed over to the east side of the street. A review of City-Wide, Tac-5, Channel 47 frequency by FID investigators determined that a portion of his broadcast was unintelligible and did not capture that additional information.

According to Officer Estrada, due to Officer Hegemier's broadcast that Lopez was armed with a handgun and Officer Estrada's observations of Lopez walking towards him and his partner, Officer Estrada believed that the situation "could escalate to the use of deadly force." Officer Estrada unholstered his service pistol and placed it on the *lap* of his right leg. Officer Estrada reclined the driver's seat as far back as he could, in order to conceal himself from Lopez and Segura (**Drawing/Exhibiting**).

According to Officer Garcia, as Lopez and Segura continued walking north, they were slightly offset. Segura walked a few yards ahead (north) of Lopez. Segura looked forward as he walked, and his body appeared to be rigid and stiff. In contrast, Officer Garcia noted that Lopez appeared to be *very nervous*. Lopez was *looking around* and over both shoulders. Officer Garcia observed Segura's lips moving and opined that he and Lopez were communicating with one another. However, the officers' windows were rolled up and Officer Garcia was unable to hear any conversation between Lopez and Segura. Officer Garcia recalled advising Officer Estrada to watch Lopez, because he (Lopez) was *sweating a lot*. Officer Garcia reclined his seat halfway and *slouched* back in his seat, in an effort to conceal himself. Officer Garcia *intended to plan on either having the uniformed chase do an investigative stop* or broadcast a request with Communications Division *to generate a radio call for Sheriff's to initiate a stop*.

Note: According to Officer Garcia, Officer Estrada broadcast that Lopez appeared nervous and was looking around and over his shoulder. According to the FID investigation, this broadcast was not captured on City-Wide, Tac-5, Channel 47 frequency.

According to Officer Garcia, Lopez and Segura passed Officers Estrada and Garcia's vehicle, causing the him to believe their presence was not detected. As Officer Garcia was advising Officer Estrada to *wait* for them to *pass* so that they could call in the *chase* unit, Officer Garcia observed Lopez had *planted his foot, looked back and then turned* in Officers Garcia and Estrada's direction. Officer Garcia told Officer Estrada that Lopez had stopped. Officer Garcia observed Lopez *scoffed* and *squinted his eyes towards* Officer Garcia's vehicle. Lopez stepped into the street and reached into the side pocket of his duffle bag with his right hand. Officer Garcia observed Lopez making furtive movements, as if he were going to retrieve an item from his bag. Based on the previous information provided by Officer Hegemier, Officer Garcia believed Lopez was reaching for a handgun. Officer Garcia stated he advised Officer Estrada that they had been compromised and directed him to request the chase unit. As Lopez neared their vehicle, Officer Garcia observed Lopez remove a *blue steel* handgun from the duffle bag with his right hand. Officer Garcia had observed *the serrated edges of the slide and then* observed Lopez *holding the butt of the handgun*. Officer Garcia observed Lopez begin to *raise his hand* and noted Lopez' *elbow was up*. Officer Garcia informed Officer Estrada that Lopez was armed with a handgun. Officer Garcia believed his life and the life of Officer Estrada were in "eminent [sic] danger," leading him to unholstered his service pistol. Officer Garcia stated

that he was involved in a, “tactical situation that was going to-- that would led to a -- a deadly use of force.” (**Drawing/Exhibiting**).

Note: Officer Garcia stated he heard Officer Estrada make a broadcast that they had been compromised and that a suspect was approaching them. According to the FID investigation, the broadcast was not captured on City-Wide, Tac-5, Channel 47 frequency. However, there was an unintelligible broadcast at approximately 1700:43 hours.

According to Officer Garcia, he held his service pistol in his left hand and opened the front passenger door of his vehicle with his right hand. Officer Garcia, cognizant that Lopez was closing the distance between Officers Estrada and himself, exited his vehicle. Officer Garcia squatted down and moved to the rear bumper of his police vehicle while holding his service pistol in a close contact position. As Lopez approached, his eyes were *locked on* to Officer Garcia’s vehicle with an *expression of anger and discontent*. Officer Garcia stated Lopez slowly raised his handgun and pointed it in their direction. Officer Garcia, while standing in a low-reading shooting stance, yelled *Stop! Police! Hands Up!* Lopez *ignored* Officer Garcia’s *commands* and looked *straight toward* where Officer Estrada was *seated* in the police vehicle with a *dead stare*. Lopez brought his handgun up with *his whole arm* towards Officer Estrada with, what appeared to Officer Garcia, the *intent to shoot and kill* Officer Estrada. Officer Garcia came *up on target* and *acquired his front sight and rear aperture*. Officer Garcia discharged one round from his service pistol at Lopez. Officer Garcia assessed and noted that, after his discharged round, Lopez changed his position from a *bladed aggressive stance* directed at Officer Estrada and was *turning away* from himself and Estrada (**Lethal Force**).

According to Officer Estrada, Officer Garcia advised him that Lopez was armed with a gun. Officer Estrada opened the driver’s side door of their vehicle with his left hand, while holding his pistol in his right hand. As he prepared to exit the vehicle, Officer Estrada stated he observed Officer Garcia exit the passenger side of their vehicle. As Officer Estrada stepped out of the vehicle, he inadvertently dropped his police radio onto the ground. According to Officer Estrada, upon exiting he said, “Police” while holding his service pistol in his right hand. As Lopez approached, Lopez lifted up his shirt and retrieved a black semi-automatic handgun from Lopez’ waistband area. Officer Estrada brought his service pistol on target towards Lopez and prepared to fire. Officer Estrada then heard one gunshot coming from his left side and opined that Officer Garcia had discharged his pistol (**Additional Tactical Debrief Topics – Maintaining Control of Equipment (Radio) and Additional/Equipment – Police Attire**).

Note: According to the FID investigation, a review of security video determined that Lopez did not remove any objects from his waistband.

According to the FID investigation, after the OIS, Lopez abruptly stopped as he neared the middle of Laurel Avenue. Lopez turned towards his right and side stepped towards the east curb of Laurel Avenue, while looking in Officers Estrada and Garcia’s direction. Lopez turned away from the officers and ran towards the east side of Laurel Avenue. Lopez fell facedown onto the grass parkway in front of 11710 Laurel Avenue, behind a parked grey pick-up truck. Lopez lifted his head from the grass on the parkway and yelled, “You fucking shot me. It was a cell

phone. You guys fucked up.” Officer Garcia ordered Lopez to put his face onto the ground and directed him not to move.

According to Officer Garcia, Lopez continued looking in his direction, but he was unable to see Lopez’ hands from his position. Officer Garcia redeployed towards the front passenger side bumper of their vehicle. Officer Garcia transitioned his pistol into a close contact position and retrieved his radio with his right hand.

According to the FID investigation, at approximately 1700:53 hours, Officer Garcia broadcast a help call and advised that shots had been fired. Officer Garcia advised responding officers to drive north from the target location and that he and Officer Estrada were north of Beaty Avenue. The rest of the CIT officers heard the help call and began driving towards the OIS scene **[Additional Tactical Debrief Topic – Seatbelt and Situational Awareness, Additional/Equipment – BWV (Late Activation)]**.

Note: The investigation determined that approximately three minutes and 40 seconds elapsed from Officer Hegemier’s first broadcast about Lopez potentially being armed with a gun to the help call.

Investigators from FID were unable to determine the exact time of the OIS since the security video that captured the OIS did not have an updated timestamp and did not record audio.

According to the FID investigation, security video captured Lopez continuously moving on the ground, just east of the grey truck. Lopez repositioned his body, moving his head towards the west and his feet toward the east. Lopez appeared to look around the front bumper of the grey truck, in the officers’ direction, then crawled in a southerly direction concealing himself behind the front passenger side wheel well of the truck. Officer Estrada walked backward in a northerly direction. As Officer Estrada was redeploying, Lopez repositioned his body once again. As Lopez moved his body in a northerly direction, he exposed his head and a portion of his upper body to Officer Estrada. Officer Estrada stated he observed Lopez’ face and instructed him to show his hands. Lopez complied, placing both of his hands onto the ground, in front of his body. Officer Estrada stated he could observe both of Lopez’ hands and determined that Lopez was no longer holding the handgun. Officer Estrada ordered Lopez not to move. While he waited for additional resources to arrive, Officer Estrada transitioned into a one-handed shooting position, unclipped his police badge from his left hip area, held it up, and allowed Lopez to view it. Lopez responded “Okay. Don’t shoot. You got me.” Officer Estrada continued to give Lopez verbal commands to place his forehead on the ground and to not reach for anything. Lopez did not comply with Officer Estrada’s commands and continued to look in Officer Estrada’s direction.

According to the FID investigation, Officer Rodriguez arrived at the scene of the OIS and observed Lopez laying on the ground behind a grey pick-up truck. Officer Rodriguez exited his vehicle, unholstered his service pistol, and took cover behind the rear bumper of the parked grey pick-up truck. Officer Rodriguez identified himself as a police officer and gave verbal commands to Lopez while he waited for additional officers to respond. Officers Hegemier and Clark arrived shortly after Officer Rodriguez. Officer Hegemier had donned his tactical vest and

deployed his police rifle as Officer Clark drove to the OIS scene. As Officer Hegemier exited his vehicle, he moved to Officer Rodriguez's position. Officer Clark drew his service pistol as he exited his vehicle. Officer Hegemier advised Officer Rodriguez that he was armed with a police rifle and took over as the point officer. Officers Clark, Garcia, and Estrada joined Officers Rodriguez and Hegemier to the rear of the grey pick-up truck [**Additional Tactical Debrief Topic – Maintaining Control of Equipment (Holster)**].

According to Officer Rodriguez, while engaged in the surveillance operation he heard a *shots fired help* call broadcast from Officer Garcia. Officer Rodriguez immediately responded and unholstered his service pistol because he believed the situation could escalate to the point of *serious bodily injury or death (Drawing/Exhibiting)*.

According to Officer Hegemier, he heard the *shots fired* help call and responded to the OIS scene. As he and Officer Clark responded, Officer Hegemier donned his tactical vest and deployed his rifle. He deployed his rifle due to the *situation* being an *officer involved shooting* and not knowing if the suspect was *barricaded*, *hiding behind a car*, or if the suspect had *run into a house*. Officer Hegemier believed that they would have the *tactical advantage by deploying at least one long gun on the situation (Drawing/Exhibiting)*.

According to Officer Clark, he drew his service pistol *knowing that an officer involved shooting had already occurred*. Even though he did not *know the details* of the OIS, he knew it was a *tactical situation that was possibly going to require deadly force to protect his partners and himself (Drawing/Exhibiting)*.

According to the FID investigation, at approximately 1701:53 hours, Officer Garcia broadcast that he and Officers Rodriguez, Clark, and Hegemier were going to take Lopez into custody and that the second suspect, Segura, had fled north on Laurel Avenue. Officers Clark, Hegemier, Rodriguez, Garcia, and Estrada formulated a tactical plan to take Lopez into custody. Officer Hegemier was the Designated Cover Officer (DCO) due to being armed with his police rifle and that Officer Clark would handcuff Lopez. Officers Rodriguez, Garcia, and Estrada would assist with handcuffing if needed. The officers discussed incorporating less lethal force options into their tactical plan, but none were immediately available. At approximately 1704:45 hours, the officers approached Lopez and took him into custody without incident. At approximately 1705:30 hours, shortly after arriving to the OIS, Sergeant Kim requested a Rescue Ambulance (RA) for Lopez [**Additional Tactical Debrief Topic – Less-Lethal Force Options, Additional/Equipment – Medical Treatment (Rendering Aid) and Police Attire**].

According to the FID investigation, Officers Tudor, Purece, Hoyos, and Trejo arrived at the OIS scene prior to Lopez being taken into custody. Officer Hoyos had exited his vehicle and unholstered his service pistol. They were advised by Officer Garcia that Segura had fled northbound on Laurel Avenue. Officer Hoyos holstered his service pistol and entered back into his vehicle. Officers Tudor, Purece, Hoyos, and Trejo passed the OIS scene and continued northbound on Laurel Avenue. Officers Tudor, Purece, Hoyos, and Trejo located Segura, exited their vehicles, unholstered their pistols, and detained Segura, in front of 11504 Laurel Avenue,

without incident (**Additional Tactical Debrief Topic – Plainclothes Attire, Additional/Equipment – Police Attire and Search of Arrestees**).

According to Officer Hoyos, while engaged in the surveillance operation he heard a *shots fired* help call broadcast. Officer Hoyos immediately responded to the help call location and exited his vehicle. Based on the help call and observing Officers Garcia and Estrada with their pistols drawn in the direction of Lopez, Officer Hoyos unholstered his service pistol. After being advised that a second suspect, Segura, from the OIS had fled northbound, Officer Hoyos holstered his service pistol and entered his police vehicle. Officers Hoyos and Trejo drove north, located Segura, and exited their police vehicle. As Officer Hoyos exited his police vehicle, he *unholstered* his service pistol, *identified* himself as a police officer, and ordered Segura into a *prone* position. Segura was later taken into custody (**Drawing/Exhibiting – First and Second Occurrence**).

According to Officer Trejo, while engaged in the surveillance operation he heard a *shots fired* help call and did not *know if* the *officers or suspects were* struck by the shots fired. Officer Trejo immediately responded to the OIS scene and was directed north to Segura. Officer Trejo was uncertain if Segura *was a shooter* and unholstered his service pistol because he believed that Segura could possibly be *armed and the tactical situation could have escalated to possibly using deadly force* (**Drawing/Exhibiting**).

According to the FID investigation, Officers Bustamante and Muro drove toward the intersection of Meyer Road and Laurel Avenue to set up containment. They observed an unidentified individual that matched Segura's description. Officer Bustamante contacted the possible suspect, identified himself as a police officer, and ordered the possible suspect to face a nearby wall. The possible suspect fled into an apartment complex at 13273 Meyer Road. As Officers Bustamante and Muro were attempting to set up containment of the possible suspect, they heard a broadcast on their police radios advising that Segura had been located and taken into custody. They discontinued their containment efforts (**Debriefing Point No. 4 – Initiating Contact While Seated in Police Vehicle, Debriefing Point No. 5 – Separation, and Additional Tactical Debrief Topics – Plainclothes Attire, and Situational Awareness**).

According to the FID investigation, at approximately 1707:07 hours, after taking Segura into custody, Officer Purece responded to the OIS scene. Officer Purece assisted Officer Clark with completing the search of Lopez after Officer Clark advised that Lopez was very heavy and he was unable to complete the search himself. While Officers Purece and Clark searched Lopez, Officer Estrada searched the immediate area for the handgun Lopez had pointed at him and Officer Garcia. Officer Estrada looked into the front passenger wheel well of the pick-up truck that was parked adjacent to Lopez and observed the handgun concealed within the front right suspension. As Lopez was being searched, he spontaneously claimed ownership of the handgun and that he owned it for protection.

According to the FID investigation, at approximately 1717:38 hours, Los Angeles County Fire Department (LACFD) Squad No. 20 and CARE Ambulance Services responded to the OIS scene

and rendered aid to Lopez. Officer Purece rode inside of the RA with Lopez as he was transported to University of California Irvine Medical Center where he was treated by Doctor A. Qazi for a gunshot wound to his left abdomen.

According to the FID investigation, Officer Purece had identified Officers Garcia and Estrada as the involved officers and directed them to Sergeant Kim. Sergeant Kim separated, monitored, and obtained an independent Public Safety Statement (PSS) from Officers Garcia and Estrada. Sergeant Kim additionally contacted Lieutenant Jenal and informed him of the OIS incident. Lieutenant Jenal advised Sergeant Kim that he would make notification to the Metropolitan Division commanding officers. Lieutenant Jenal contacted Captain L. Sands, Serial No. 25012, Metropolitan Division, Commanding Officer, and advised him of the OIS incident. Captain Sands advised Lieutenant Jenal that he would make notifications as Lieutenant Jenal responded to the OIS scene. Sergeant Kim requested that additional supervisors respond to assist with Post-Categorical Use of Force duties. Sergeants J. Severns, Serial No. 33807, and T. Muy, Serial No. 31129, Metropolitan Division, responded to the OIS scene and assisted with the separation and monitoring of Officers Garcia and Estrada.

According to the FID investigation, at approximately 1928 hours, Captain C. Valenzuela, Serial No. 33440, Metropolitan Division, Assistant Commanding Officer, notified the Department Operations Center (DOC) of the OIS (**Additional Tactical Debrief Topic – Protocols Subsequent to a CUOF**).

FINDINGS

Tactics – Administrative Disapproval, Sergeant Kim and Officers Garcia, Estrada, Clark, Hegemier, Bustamante, Trejo, Hoyos, Rodriguez, and Muro.

Drawing/Exhibiting – In Policy, No Further Action, Officers Garcia, Estrada, Clark, Hegemier, Trejo, Hoyos, and Rodriguez.

Lethal Use of Force – In Policy, No Further Action, Officer Garcia.

ANALYSIS⁴

Detention

Officers from Metropolitan Division CIT conducted a surveillance operation to identify robbery suspects in the City of Whittier. During the surveillance, Lopez, who was not the subject of the surveillance operation, walked through the area of the surveillance. Lopez looked into several of the unmarked police vehicles which were occupied with personnel who were engaged in the surveillance operation. Lopez removed a handgun from his duffel bag and approached Officers Garcia and Estrada who were sitting in their unmarked police vehicle. Lopez raised his handgun

⁴ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the FID investigation.

towards Officers Garcia and Estrada resulting in an OIS. The actions of detaining Lopez during this incident were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training"* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016).*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Rodriguez and Bustamante developed a written Metropolitan Division CIT Operations Plan in preparation for a surveillance operation to identify robbery suspects. Sergeant Kim ensured that the written operation plan was communicated to all participants of the surveillance and that all required notifications were made. The CIT team was provided with photographs of the robbery suspects, their vehicle, and the handgun used in the commission of

the crime. A base radio frequency and a RTO was assigned to the monitor the channel. Officers Rodriguez and Bustamante briefed the CIT personnel with a synopsis of the crime and discussed their roles and assignments. Officer Bustamante advised the officers that their goal was to locate the suspect's vehicle and attempt to identify the suspects involved in the robbery.

Sergeant Kim ensured that all of the officers had their required equipment and knew what their roles were as far as what their attire and their gear should be for their assignments. Sergeant Kim stated the assigned plain clothes surveillance personnel were all operating in an undercover capacity because there was a chance that they would have to interact with people and possibly get out on foot. The UOFRB noted that Sergeant Kim's planning was incorrect, and that the operation was actually a surveillance operation requiring the donning of body armor for involved personnel.

Officers Purece and Tudor were assigned as a uniformed chase detail for this operation in the event a uniformed police presence was needed for detention of the targets of the surveillance or if an incident required protection for the surveillance officers.

During the surveillance, Officer Hegemier observed that Lopez was armed with a handgun and broadcast that information to the surveillance team. Sergeant Kim broadcast a request to determine if Lopez was actually armed with a handgun and to assist him in determining if the uniformed chase team would be called in or if the Los Angeles Sheriff Department would be contacted, due to being outside of the City of Los Angeles. The help call was broadcast prior to Sergeant Kim being able to develop and communicate a plan.

The UOFRB noted that Sergeant Kim believed that approximately 20-40 seconds elapsed from Officer Hegemier's initial broadcast to the time the help call was broadcast. The actual amount of time that passed was approximately three minutes and 40 seconds. The UOFRB noted that Sergeant Kim should have developed a plan and communicated it with the surveillance team when they became aware that Lopez was armed with a handgun. The UOFRB was critical of Sergeant Kim's lack of pre-planning with the CIT officers with regard to the possibility of external threats that occur from individuals that were not the targets of the surveillance operation. A contingency plan for unanticipated complications during the surveillance operation was not described in the operations plan and the operations plan itself was missing several pieces of required information, such as the required equipment for the individual officers, the specific roles and duties of each individual officer, and the less lethal force options that the CIT team was equipped with during the operation.

Assessment – During the surveillance operation, Officers Clark, Hegemier, and Rodriguez assessed the activity of Lopez and Segura. Officer Rodriguez noted Segura and Lopez were looking into vehicles and as they passed his vehicle, Lopez bumped into Officer Lopez vehicle. Officers Hegemier and Clark observed Lopez and Segura walking north on Laurel Avenue, with Lopez on the east sidewalk and Segura in the middle of the street. They noted that Lopez and Segura were looking up and down the street constantly. Officer Clark stated that both Lopez and Segura appeared that they were looking for the police. According to Officer Hegemier, based on his prior experience working gang assignments, it is common for the individual walking in the

street to be acting as the lookout while the person on the sidewalk is armed, acting as security. Officer Hegemier's assessment of Lopez and Segura's activity heightened his awareness, leading Officer Hegemier to broadcast his observations to the surveillance team

While continuing to observe Lopez and Segura, Officers Clark and Hegemier observed Lopez remove a handgun from his duffel bag and they immediately alerted the surveillance team, specifically any units that were positioned to their north. As Lopez and Segura continued walking north on Laurel Avenue, both Officers Garcia and Estrada observed Lopez and Segura approaching them. Officer Garcia and Estrada assessed Lopez and Segura's actions and due to no imminent threat being presented, they attempted to allow him to leave the area and then have a uniformed unit take enforcement action. However, immediately after passing by Officer Estrada and Garcia's vehicle, Lopez became an immediate threat by arming himself with a handgun and walking towards Officer Garcia and Estrada with the handgun pointed in their direction.

The UOFRB noted that the CIT officers continuously assessed Lopez and Segura's behaviors and adjusted their response based on these behaviors. Officer Garcia and Estrada's swift response to the deadly threat presented by Lopez was due, in part, to their attentive assessment of Lopez's actions and his reactions to their attempts to stay in their vehicle and conceal themselves from view. The UOFRB also noted that Officer Garcia was attentive and assessed throughout his discharging of his service pistol. Officer Garcia assessed and determined that the single round that he discharged was effective at stopping the threat that Lopez presented. Officer Estrada was also attentive in his assessments. As Officer Estrada exited his vehicle in response to Lopez's approach, Officer Estrada was in the process of bringing his service pistol to bear on Lopez. When Officer Estrada heard Officer Garcia discharge his service pistol, he immediately assessed and observed that the threat had ceased and Officer Estrada did not need to discharge his service pistol. Officer Estrada was able to complete this assessment in a rapidly evolving tactical situation where his own life was at risk of serious bodily injury and/or death.

Time – After being advised by Officers Clark and Hegemier that Lopez was armed with a handgun, Officers Estrada and Garcia did not attempt to take immediate enforcement action. They allowed Lopez to pass their vehicle as they concealed themselves in the reclined driver and passenger seats. Officer Estrada and Garcia attempted to allow Lopez to pass them in order to request the uniformed chase unit to detain Lopez, with the benefit of as much time as needed to formulate a viable plan to take Lopez into custody.

When Lopez passed Officer Garcia and Estrada's vehicle, he immediately stopped his forward movement and walked directly towards them with his gaze fixed on Officer Estrada and the unmarked police vehicle. Officer Garcia did not have the benefit of additional time to deal with the imminent threat that Lopez's posed as Lopez approached with a handgun. Officer Garcia still communicated with his partner his observations and requested that his partner request additional resources before Officer Garcia exited the police vehicle, identified himself as a police officer, and addressed the imminent deadly threat.

The UOFRB noted that Officer Garcia and Estrada utilized time to their advantage by not confronting or attempting to detain Lopez, despite Lopez arming himself with a handgun. Officers Garcia and Estrada intended to utilize their available time to request the assistance of their uniformed chase unit in order to detain Lopez. Time, however, was taken away from Officers Garcia and Estrada when Lopez abruptly stopped his direction of travel and walked towards Officers Garcia and Estrada, while drawing his handgun from his duffel bag.

The UOFRB was critical of Sergeant Kim's lack of active leadership within the window of time between Officer Hegemier's broadcast of Lopez being armed with a gun to the OIS which was approximately three minutes and 40 seconds. In this window of time, Sergeant Kim did not take proactive measure to address an armed suspect who was walking towards CIT officers.

Redeployment and/or Containment – After Lopez armed himself with a handgun from his duffel bag and walked in the direction of Officers Garcia and Estrada, they redeployed by reclining their vehicle seats in an effort to conceal themselves and avoid detection. Lopez continued to pay attention to their vehicle and approached them while arming himself with a handgun. After the OIS, Lopez fell to the ground on the east sidewalk of Laurel Avenue behind a grey pick-up truck. In order to better contain Lopez, Officer Garcia redeployed to the south and assumed a prone position. This allowed Officer Garcia to have a less obstructed view of Lopez. Officer Estrada moved north on Laurel Avenue to have a less obstructed view of Lopez due to Lopez being located behind a grey pick-up truck. These two redeployment efforts allowed Officers Garcia and Lopez to triangulate on Lopez and keep him contained in the OIS scene.

The UOFRB noted that Officer Garcia's redeployment efforts, when exiting his vehicle, utilized the available cover, but avoided any crossfire situation involving his partner while still allowing him to expediently address the threat of Lopez armed with a handgun.

Other Resources – Officers Rodriguez and Bustamante developed a written Metropolitan Division CIT Operations Plan that required notifications to be made, including, but not limited to Communications Division, the local law enforcement agency which was the Los Angeles County Sheriff Department (Norwalk Station), and Los Angeles Clearing House (LA CLEAR) in order to advise them of the surveillance operation and avoid miscommunication.

According to Officer Rodriguez, prior to the OIS, he had made contact with a Los Angeles County Sheriff Deputy who was on patrol in the area of the surveillance and obtained his telephone number in the event that assistance from the local agency was needed. Officer Rodriguez stated that he was attempting to call the deputy to request assistance with Lopez prior to the OIS occurring.

The UOFRB discussed that when Lopez was identified as being armed with a handgun, Officer Garcia and Estrada were waiting for him to pass by their location. After Lopez had passed them they had intended to request the uniformed chase officers to detain Lopez.

Lines of Communication – During the surveillance operation, the CIT surveillance team maintained constant communication utilizing not only their police radios, but also a messaging application on their cellular phones to relay information that was observed during the surveillance operation.

Prior to the OIS, Officers Garcia and Estrada attempted to communicate with Lopez and identify themselves as police officers. However, Lopez was, according to Officer Garcia, so fixated on Officer Estrada that he did not respond to Officer Garcia's attempt to identify himself as a police officer.

After the OIS, Officers Garcia, Estrada, Hegemier, Clark, and Rodriguez utilized verbal communication to form an arrest team and take Lopez into custody without further incident. Officer Garcia also was able to maintain situational awareness and provide Segura's direction of travel to the additional responding CIT officers.

The UOFRB noted that there was significant communication between the CIT officers on the surveillance team throughout this incident. The individual partner pairs communicated with each other and then relayed their combined observations to the other officers involved in the surveillance. The UOFRB discussed that Officers Garcia and Estrada attempted to communicate with Lopez and identify themselves as police officers. However, due to Lopez's actions while being armed with the handgun, the time available to attempt communication was limited.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Planning
(Substantial Deviation, without justification – Sergeant Kim)

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Sergeant Kim approved a written operations plan that lacked all the minimum information necessary for a surveillance operation.

The written operations plan was described as a "surveillance" operation in the narrative portion of the plan. However, Sergeant Kim stated in his interview that the plainclothes surveillance personnel were working in an "undercover" capacity; therefore, they were exempt from wearing body armor. The written operations plan did not document the operation as an undercover operation, nor did it document any exemption to required equipment, such as body armor.

The written operations plan did not define the roles/duties of each individual officer assigned to the surveillance operation, nor did it state the equipment required by each individual officer and available less-lethal force options. The operations plan was completed on a Metropolitan Division CIT Operations Plan form, as opposed to the Department approved operations plan

(LAPD Form 12.22.00), which has a section on the face sheet for unit, names, serial numbers, duties, and an equipment checklist.⁵

When the operations plan was approved by Sergeant Kim, there were two factual errors included in the operations plan when submitted. The written operations plan stated that the surveillance brief took place at Metropolitan Division, but the briefing actually took place outside of a coffee shop. In addition, the plan documented that Officer S. Jedlick, Serial No. 38395, Metropolitan Division, CIT, was participating in the surveillance operation. Officer Jedlick did not participate in the operation.

Sergeant Kim forwarded the written operations plan to Lieutenant J. Jenal, Serial No. 23703, Metropolitan Division, CIT, for approval. According to Lieutenant Jenal, he approved a surveillance operation plan that did not indicate an exception for Metropolitan CIT officers to not wear body armor.

The UOFRB discussed that the operations plan that was approved by Sergeant Kim did not include necessary information and did not provide a tactical plan that officers could utilize if outside factors affected the surveillance. Sergeant Kim approved a plan that labeled the operation as surveillance; however, when interviewed, Sergeant Kim described the methods used by his officers as “undercover.” This led to Lieutenant Jenal, who was not physically present at the briefing or operation, to approve an operation that would not be following the policy constraints of a surveillance operation including all necessary equipment. The actual operations plan led to confusion amongst the CIT officers as to the nature of their operation and the necessary equipment needed to complete their operation. Interview of the CIT officers determined that there was not a clear delineation of what the goal of the operation was; whether it was to only identify or arrest the robbery suspects or both.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Sergeant Kim’s approval of tactical planning lacking necessary detail and information was a substantial deviation, without justification, from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2

Body Armor

(Substantial Deviation, without justification – Sergeant Kim and Officers Garcia, Estrada, Clark, Hegemier, Bustamante, Trejo, Hoyos, Rodriguez, and Muro)

Personnel assigned to undercover or surveillance operations are required to wear Department approved body armor unless wearing the body armor would directly compromise the covert nature of the operation. The written operation plan must set forth why

⁵ The sole use of a Metropolitan Division CIT Operations Plan form was discontinued during the adjudication of FID Case No. 051-19 on August 19th, 2020, after the date of this OIS incident. Captain Valenzuela directed that Metropolitan Division personnel only use the Department approved Operations Plan, LAPD Form 12.22.00.

wearing body armor would compromise the operation. (Los Angeles Police Department Use of Force-Tactics Directive No. 10.3)

Sergeant Kim, Officers Garcia, and Estrada did not don their Department-approved body armor when conducting field related surveillance duties.

Surveillance personnel are required to wear body armor, unless specifically exempt. No exemption was obtained for the body armor requirement on the approved written operations plan.

During the surveillance operation, Sergeant Kim and Officers Garcia, and Estrada did not don their Department-approved body armor. According to Sergeant Kim, "As in all of our briefings, I ensured that all of our officers had their required equipment and knew what their roles were as far as what their attire and their gear should be for their assignments." Additionally, Sergeant Kim added, "And we were all operating in a UC (undercover) capacity, because there was a chance that we'd have to interact with people, get out on foot." Officers Garcia and Estrada additionally believed they were working surveillance in an undercover capacity. Sergeant Kim stated that the goal of Metropolitan CIT was to blend into the area they were surveilling in and to locate the targets of their surveillance. This meant that the officers would possibly be required to leave their vehicles if the target of their investigation left the area on foot or into an area that was not accessible to vehicles. Sergeant Kim stated that if the officers were wearing their body armor, they would be unable to perform these duties effectively.

The UOFRB was critical of Sergeant Kim and Officers Garcia and Estrada's misunderstanding of the different equipment requirements for the different variations of non-uniformed field operations such as surveillance, plainclothes, and undercover operations. It is the responsibility of each individual officer to know the procedures and policies that govern their duties. The undercover directive provides clear direction of the requirement of body armor for personnel assigned to surveillance operations. In this case, the operation was not a UC Operation as the officers were not proactively seeking to establish a relationship or make contact with a subject or group to gather evidence or intelligence while concealing the operator's identity as a police officer to accomplish the mission. As such, the officers were not classified as UC Operators, nor did they receive an exemption to wear body armor from a commanding officer.

Based on the totality of the circumstances, the UOFRB determined, and I concur that Sergeant Kim, Officers Garcia, and Estrada's decision to not don their body armor when participating in a surveillance operation was a substantial deviation, without justification, from approved department policy. In order to enhance future performance, I will direct this to be a topic of discussion during the tactical debrief.

The FID investigation determined that Officers Clark, Hegemier, Bustamante, Trejo, Hoyos, Rodriguez, and Muro did not don their Department-approved body armor when conducting field related surveillance duties. The officers believed they were working surveillance in an undercover capacity. It is the responsibility of each individual officer to know the procedures and policies that govern their duties. The undercover directive provides clear direction of the requirement of body armor for personnel assigned to surveillance operations. In this case, the

operation was not a UC Operation as the officers were not proactively seeking to establish a relationship or make contact with a subject or group to gather evidence or intelligence while concealing the operator's identity as a police officer to accomplish the mission. As such, the officers were not classified as UC Operators, nor did they receive an exemption to wear body armor from a commanding officer.

Based on the totality of the circumstances, I have determined that Officers Clark, Hegemier, Bustamante, Trejo, Hoyos, Rodriguez, and Muro's decision to not don their body armor when participating in a surveillance operation was a substantial deviation, without justification, from approved department policy. In order to enhance future performance, I will direct this to be a topic of discussion during the tactical debrief.

Debriefing Point No. 3 Tactical Planning/Communications
(Substantial Deviation, without justification – Sergeant Kim)

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Sergeant Kim did not develop and communicate a tactical plan with the CIT surveillance team when they became aware that a suspect, who was armed with a handgun, was walking through the area of surveillance and near CIT personnel.

Sergeant Kim was the supervisor of the surveillance operation and had command and control of the operation. During the surveillance operation, Lopez and Segura walked through the area under surveillance and looked into several of the unmarked police vehicles being utilized for surveillance. While walking north, Lopez was observed removing a handgun from his duffel bag by Officers Hegemier and Clark, while Lopez continuously moved his head from side to side, as if he was evaluating the area. Lopez walked on the sidewalk while Segura walked in the middle of the street. Officer Hegemier broadcast his observations to the surveillance team via his police radio. Lopez continued walking north towards the surveillance position occupied by Officers Garcia and Estrada. Officers Garcia and Estrada attempted to conceal themselves in their vehicle. Lopez stopped his northbound movement and proceeded to walk towards Officers Garcia and Estrada's vehicle, while armed with a handgun, which ultimately resulted in an OIS incident.

Upon hearing the broadcast that Lopez was observed to be armed with a handgun, Sergeant Kim stated that he was assessing the situation and determining whether to send in the uniformed chase unit, to call in the local law enforcement agency, or to terminate the surveillance operation. As he was weighing his options, he heard the help call from the OIS. Sergeant Kim estimated that the elapsed time between Officer Hegemier's broadcast regarding Lopez' possession of a handgun and the OIS help call to be approximately 20 to 40 seconds. According to the FID investigation, the elapsed time was approximately three minutes and 40 seconds.

The UOFRB was critical of Sergeant Kim's lack of active leadership throughout the surveillance operation. While supervisors often delegate tasks or responsibilities, they are ultimately responsible for command and control of the operation regardless of roles. Sergeant Kim was ultimately responsible for formulating and communicating a plan to counter the threat posed by Lopez who armed himself with a handgun and walking towards CIT officers. When Officer Hegemier and Clark began broadcasting that Lopez was armed with a handgun and walking through the area where the CIT officers had positioned themselves, Sergeant Kim did not communicate a plan of action with his officers or begin a tactical response to deal with the threat of Lopez being armed with a handgun. Both Officer Hegemier and Officer Rodriguez had advised that Lopez had previously been in the area and had looked into two unmarked police vehicles and bumped Officer Rodriguez's police vehicle as he left the location prior to Lopez arming himself with the handgun. The UOFRB considered that Sergeant Kim was aware of Lopez' actions and did not respond during available time of three minutes and 40 seconds prior to the OIS.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Sergeant Kim's lack of tactical planning and communication with his officers when confronted by what was believed to be an armed suspect was a substantial deviation, without justification, from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 4

Initiating Contact While Seated in Police Vehicle

(Substantial Deviation, without justification – Officers Bustamante and Muro)

Proper safety tactics demand that officers exit their patrol vehicles to conduct pedestrian contacts. Approaching and conducting the contact on foot allows officers to devote complete concentration to observing the pedestrian, better visibility of the pedestrian, better mobility (rather than being trapped in a vehicle), the ability to detain and search an individual, if necessary, and greater advantage if a foot pursuit should occur (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officers Bustamante and Muro initiated contact with a possible suspect believed to be associated to an OIS incident, while seated in the police vehicle.

In this case, Officers Bustamante and Muro heard the help call and drove towards the intersection of Meyer Road and Laurel Avenue to set up containment. They observed an unidentified individual that matched Segura's description. Officer Bustamante contacted the possible suspect, identified himself as a police officer, and ordered the possible suspect to face a nearby wall. Officers Bustamante and Muro contacted the unidentified male while still seated inside of their unmarked police vehicle and spoke with him through the open driver's side window. The unidentified male fled into a nearby apartment complex. The male was later determined to not be involved in the incident. By remaining inside of their police vehicle and contacting a possible suspect related to an OIS, Officers Bustamante and Muro placed themselves in a tactical disadvantage to the suspect.

Based upon the totality of the circumstances, I determined that Officers Bustamante and Muro's decision to contact the possible suspect while still seated in their police vehicle was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 5

Separation

(Substantial Deviation, without justification – Officers Bustamante and Muro)

Separation (Split Up): Separation occurs whenever the distance between the two officers is so great that one cannot render aid to the other when confronted by the suspect or barriers exist that would unreasonably delay the partner officer from being able to render aid.

Note: While in containment mode, partner officers may separate a reasonable distance for the limited purpose of setting up a perimeter, as long as they have line of sight with each other. When separated, officers should not normally transition back into apprehension mode and attempt to take the suspect into custody alone (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).

Officers Bustamante and Muro separated when they attempted to detain an unidentified male they believed to be an outstanding suspect related to the OIS. The male ran into a nearby apartment complex. Officer Bustamante and Muro were seated inside of their police vehicle. Officer Bustamante dropped off Officer Muro from the police vehicle and drove approximately 50-100 yards away from Officer Muro to set up containment. The officers' containment positions did not allow them to have a visual of each other, hindering their ability to immediately render aid.

Based on the totality of the circumstances, I have determined that Officers Bustamante and Muro's actions were a substantial deviation, without justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Operations Plan – The written operations plan, completed by Officers Rodriguez and Bustamante, did not define the roles and duties of each individual officer assigned to the surveillance operation. The plan also did not state the equipment required by each individual officer and available less-lethal force options. The operations plan was completed on a Metropolitan CIT Operations Plan form, as opposed to the department approved Operations Plan (LAPD Form 12.22.00), which has a section on the face sheet for unit, names, serial numbers, duties, and an equipment checklist. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

The written operations plan was approved by Lieutenant Jenal and forwarded via email to Captains Sands and Valenzuela. The UOFRB discussed the expectation that all UC and surveillance operations be documented on a written operation plan and that must be approved by

the commanding officer of the responsible Area/Division or their designee, and such approval shall be documented in the plan. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Securing of Firearm – Officer Rodriguez kept a holstered, but unsecured, service pistol in-between the front driver seat and center console of his police vehicle while conducting surveillance. Officer Rodriguez is reminded of the importance of safe storage of handguns, especially in unattended vehicles or vehicles which may be left unattended. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Maintaining Control of Equipment (Radio) – Officer Estrada inadvertently dropped his handheld radio when he exited his police vehicle in response to Lopez’s approach. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Seat Belt – Officers Purece and Tudor did not fasten their seatbelts during their Code Three response to the OIS help call. The officers acknowledged they were close to the OIS incident, were unsure of the location of the suspects, and felt the need to not utilize their seatbelt in order to deploy quickly from the police vehicle. The use of the seatbelt is an important safety feature which allows the driver of a vehicle to remain secured in the seat to ensure safe control of the vehicle. The seatbelt also protects the occupants of the vehicle in the event of a traffic collision. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Situational Awareness – Communications Division acknowledged Officer Garcia’s help call and requested the location to be repeated. Sergeant Kim advised CD the location was Meyer Road and Beaty Avenue and requested CD notify the Los Angeles County Sheriff Department. The actual location of the OIS was 11711 Laurel Avenue. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Maintaining Control of Equipment (Holster) – Officer Rodriguez dropped the holster for his service pistol when he exited his vehicle to assist with detaining Lopez. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Less Lethal Force Options – After the OIS, Officers Hegemier, Clark, and Rodriguez formulated a tactical plan to approach Lopez and take him into custody. At this time, they discussed incorporating less lethal force options, but none were immediately available, although Officer Rodriguez had a TASER secured inside his police vehicle at the time. The other less-lethal force option, a 40 millimeter Less Lethal Launcher (LLL), was secured in the chase unit vehicle, which was detaining Segura at approximately the same time. The inclusion of a less lethal force option to an arrest team allows officers additional tactical options to respond to a suspect’s actions. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Plainclothes Attire – Officers Bustamante and Muro attempted to detain an unknown male they believed to be an outstanding suspect. Despite being in plainclothes, they did not don a raid

jacket or tactical vest prior to attempting to detain the possible male suspect. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

When Officers Hoyos and Trejo initiated their detention of Segura, despite being in plainclothes, they did so without donning a raid jacket or tactical vest. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Situational Awareness – As Officer Muro and Bustamante attempted to set up containment of a possible suspect who fled into an apartment building. Officer Muro broadcast the location as 13273 Beaty Avenue. When Officer Muro realized the address was incorrect, he broadcast the correct location. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Protocols Subsequent to a CUOF – Sergeant Kim contacted Lieutenant Jenal and informed him of the OIS incident. Lieutenant Jenal advised Sergeant Kim that he would make notification to Metropolitan Division commanding officers. Lieutenant Jenal contacted Captain Sands and advised him of the OIS incident. Captain Sands advised he would make notifications as Lieutenant Jenal responded to the OIS scene. Captain Valenzuela notified the DOC of the OIS incident at approximately 1928 hours, which was approximately two and a half hours after the OIS incident. To improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

COMMAND AND CONTROL

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of

line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Officer Purece was assigned to the chase unit for the surveillance operation. In response to the OIS help call, he responded to the incident after the OIS occurred. Officer Purece relieved a plainclothes officer and took Segura, the outstanding second suspect, into custody. He provided directions to begin setting up a crime scene and identified the involved officers in the OIS incident. Officer Purece directed them to Sergeant Kim to ensure proper separation and monitoring and for their PSS. While setting up a crime scene, Officer Purece directed one of the CIT officers to stand near the suspect's handgun until it could be recovered by FID investigators. Officer Purece also directed another CIT officer to check the residence that was in the background of the OIS incident to ensure there were no injured community members inside of the residence. Lastly, Officer Purece assigned himself to respond in the RA with Lopez to the hospital, since Officer Purece was in full uniform and equipped with a BWV. This allowed Officer Purece's BWV to capture multiple spontaneous statements made by Lopez.

The actions of Officer Purece were consistent with department training and my expectations of a senior officer during a critical incident.

Sergeant Kim was the supervisor of the surveillance operation prior to and during the OIS. The UOFRB was critical of Sergeant Kim and his lack of active leadership during the surveillance operation. Prior to the commencement of the operation, Sergeant Kim did not establish a tactical plan to deal with scenarios that could occur from other individuals that were not the targets of the surveillance. When the surveillance team observed Lopez and began to actively relay Lopez's behaviors to each other, Sergeant Kim was also receiving these informational broadcasts. Sergeant Kim estimated that the time between Officer Hegemier's broadcasts of Lopez arming himself and the OIS was approximately 20-40 seconds; however, the actual time was 3 minutes and 40 seconds. The window of time would have allowed Sergeant Kim to provide direction to the officers involved in the surveillance. Sergeant Kim had the opportunity during this time to contact the local law enforcement agency, have his own uniformed chase unit to move in, or terminate the operation until the safety of his officers could reasonably be assured.

After the OIS occurred, Sergeant Kim responded to the scene of the OIS and declared himself the Incident Commander while enroute. When he arrived at the OIS scene, he broadcast a request for a RA for Lopez. He then separated and monitored the involved officers, Officers Garcia and Estrada, and obtained independent Public Safety Statements (PSS) from them. Sergeant Kim ensured a crime scene was set up and that officers canvassed for witnesses.

Sergeant Kim made notifications of the OIS incident to Lieutenant Jenal and requested additional supervisors to respond to assist with the incident.

The actions of Sergeant Kim prior to the OIS were not consistent with Department supervisory training and my expectations of field supervisors during a critical incident. After the OIS occurred, Sergeant Kim's actions were consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

Sergeants Severns and Mui responded to the OIS incident. Sergeant Severns monitored Officer Estrada and Sergeant Mui monitored Officer Garcia.

The actions of Sergeant Severns and Mui were consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

Lieutenant Jenal reviewed and approved the written surveillance operations plan. He advised Sergeant Kim that the plan was approved and forwarded the operations plan, via email, to Captains Sands. Although Lieutenant Jenal and Captain Sands were not part of the field operations, their responsibilities were administrative in nature, requiring the review of the operations plan. The written operations plan lacked sufficient detail, including but not limited to, defining the roles and duties of each individual officer assigned to the surveillance operation. The plan also did not state the equipment required by each individual officer and available less-lethal force options. Per the operations plan, the goal of the surveillance operation was to locate the suspect vehicle and follow the driver/occupants of the suspects' vehicle in an attempt to locate and identify the robbery suspects. If the robbery suspects were positively identified, the uniformed officers would detain and apprehend the suspects, with the assistance from the surveillance other officers. Consideration should have been made that only two uniformed officers were included in the operations to address a possible detention of three robbery suspects.

The UOFRB discussed the expectation that all UC and surveillance operations be documented on a written operation plan and that must be approved by the commanding officer of the responsible Area/Division or their designee, and such approval shall be documented in the written operations plan.

The actions of Lieutenant Janel and Captain Sands were not consistent with Department supervisory training and my expectations of supervisors. The Director of the Office of Special Operations (OSO) advised that this issue was addressed with Captain Sands and Lieutenant Janel through the generation of a Supervisory Action Item (SAI) and an informal meeting. As such, I deem no further action is necessary.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Sergeant Kim and Officers Garcia and Estrada tactics did deviate from approved Department tactical training.

In conducting an objective assessment of this case, I have determined that Officers Rodriguez, Trejo, Muro, Bustamante, Clark, Hegemier, and Hoyos's tactics did deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Although it was determined that Captains Sands and Valenzuela, Lieutenant Jenal, and Officers Purece and Tudor, would not receive formal findings, the UOFRB believed, and I concur, that these personnel would benefit from attending the Tactical Debrief to enhance future performance and to discuss this dynamic incident in its entirety.

Therefore, I direct that Captains Sands and Valenzuela, along with Lieutenant Jenal, Sergeant Kim, and Officers Garcia, Estrada, Rodriguez, Purece, Trejo, Muro, Bustamante, Tudor, Clark, Hegemier, and Hoyos to attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On April 4th, 2020, Officers Garcia and Estrada attended a General Training Update (GTU) where all mandatory topics were covered.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)

Officer Garcia

According to Officer Garcia, he observed Lopez had “planted his foot,” looked back and then turned in Officers Garcia and Estrada’s direction. Officer Garcia observed Lopez “scoffed” and “squinted his eyes” towards Officer Garcia’s vehicle. Lopez stepped into the street and reached into the side pocket of his duffle bag with his right hand. Officer Garcia observed Lopez making furtive movements, as if he were going to retrieve an item from his bag. Based on the previous information provided by Officer Hegemier, Officer Garcia believed Lopez was reaching for a handgun. As Lopez neared their vehicle, Officer Garcia observed Lopez remove a “blue steel” handgun from the duffle bag with his right hand. Officer Garcia had observed the “serrated edges of the slide” and then observed Lopez holding the butt of the handgun. Officer Garcia observed Lopez begin to “raise his hand” and noted Lopez’ “elbow was up.” Officer Garcia believed his life and the life of Officer Estrada were in “imminent [sic] danger,” and he drew his service pistol. Officer Garcia stated that he was involved in a, “tactical situation that was going to-- that would lead to a -- a deadly use of force.” Officer Garcia recalled,

*the suspect begins to raise his -- raise his hand. His elbow's up and I see him. I see the serrated edges of the slide and then I see him holding the butt of the handgun.*⁶

*I told my partner, I told him, “hey, we’re made. We’re made.”*⁷

*At that moment the suspect is gaining the --gaining. Close, he’s closing the distance between the vehicle and -- and himself.*⁸

*I believe that my -- my life was -- was endangered and was going to be endangered so it was that I end up -- I also believed that my partner’s life was also in imminent danger. So, as I had unholstered my pistol.*⁹

*And in fear for--for my life and also my partner's just--and just going back because I observed the pistol I--I drew and exhibited my firearm. I--I had seen a firearm. I knew then--I knew that my--my life was in--in danger and I needed to unholster my weapon because it was going--it would turn into a tactical situation that was going to--that would lead to a--a deadly use of force.*¹⁰

he made like a deliberate like planted his foot, looked back, turned his -- like his left shoulder and he looked like he turned towards our direction. I saw the facial expression on his face. It was a combination of like a -- like a scoff and kind of and squinted his eyes towards our -- his -- towards our vehicle. And then he turned completely and kind of -- kind of didn't want to

⁶ Officer Garcia, Page 25, Lines 21-24

⁷ Officer Garcia, Page 25, Lines 11-12

⁸ Officer Garcia, Page 25, Lines 15-17

⁹ Officer Garcia, Page 26, Lines 24-25, Page 27, Lines 1-2

¹⁰ Officer Garcia, Page 27, Lines 16-23

like -- that he shrugged his shoulders up and then just bowed them forward and then continued to walk away from the sidewalk.¹¹

I see the serrated edges on the slide. It was a blue steel semiautomatic pistol that he was holding in his -- in his right hand.¹²

I noticed also that the suspect had now reached into the, I guess, the front side pocket or the side pocket of his duffle bag. He reached in and started making furtive movements indicative that he was -- that he was going to grab an object but at that moment I -- I believed he was going -- he was reaching for a firearm.¹³

Officer Estrada

According to Officer Estrada, due to Officer Hegemier's broadcast that Lopez was armed with a handgun and Officer Estrada's observations of Lopez walking towards him and his partner, Officer Estrada believed that the situation "could escalate to the use of deadly force." Officer Estrada drew his service pistol and placed it on the lap of his right leg. In order to conceal himself from Lopez and Segura, Officer Estrada reclined the driver's seat as far back as he could.

Officer Estrada recalled,

And again, the suspect was looking left, looking right as he was crossing through Beaty looking over his shoulder, now looking over his -- his -- his left shoulder now. Based on his actions, based on my observations, based on the observations of Officer Hagmire and the broadcast that he had -- that he had provided, I formulated an opinion that the tactical situation I was involved in could escalate to use of deadly force. And for that reason, I unholstered my weapon in my right hand and placed on my -- placed it on my seat or placed it on my lap. I reclined my seat as far back as I could because I didn't want either of them to see me.¹⁴

The UOFRB conducted an evaluation of the reasonableness of Officers Garcia and Estrada's drawing and exhibiting of their service pistols. The UOFRB noted that Officer Estrada drew his service pistol after observing Lopez and Segura walking in his direction, with the knowledge that Officer Hegemier had observed Lopez in possession of a handgun and peering into the officers' surveillance vehicles. The UOFRB noted that Officers Garcia drew his service pistol when he observed Lopez retrieve a handgun from his bag, move towards their vehicle, and point the handgun in their direction.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Garcia and Estrada, while faced with similar

¹¹ Officer Garcia, Page 24, Lines 6-16

¹² Officer Garcia, Page 37

¹³ Officer Garcia, Page 24-25, Lines 22-2

¹⁴ Officer Estrada, Page 17, Lines 6-15

circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Garcia and Estrada's Drawing/Exhibiting to be In-Policy, No Further Action.

Officer Rodriguez

According to Officer Rodriguez, while engaged in the surveillance operation he heard a shots fired help call broadcast from Officer Garcia. Officer Rodriguez immediately responded and unholstered his service pistol because he believed the situation could escalate to the point of serious bodily injury or death.

Officer Rodriguez recalled,

*I hear, "Shots fired. Officer needs help."*¹⁵

*I dawn [sic] my tack vest and deployed out.*¹⁶

*I had my - - my handgun in my hand.*¹⁷

*I reasonably believed the situation can result to a SBI, (Phonetics) or death.*¹⁸

Officer Hegemier

According to Officer Hegemier, as he responded to the shots fired help call, he donned his tactical vest and deployed his rifle. He deployed his rifle due to the situation being an officer involved shooting and not knowing if the suspect was barricaded, hiding behind a car, or if the suspect had run into a house. Officer Hegemier believed that they would have the tactical advantage by deploying at least one long gun on the situation.

Officer Hegemier recalled,

*...we heard the shots fired, officer needs help on Laurel north of Beaty. My partner was driving that day, so he automatically jumped up to the driver seat. I quickly told him, "Hey, I'll be able to get my tac vest on. I got the rifle up here. Just get us there as quick as you can."*¹⁹

¹⁵ Officer Rodriguez, Page 14, Line 19

¹⁶ Officer Rodriguez, Page 15, Lines 4-5

¹⁷ Officer Rodriguez, Page 15, Lines 10-11

¹⁸ Officer Rodriguez, Page 26, Lines 4-5

¹⁹ Officer Hegemier, Pages 22-23, Lines 23-12

I felt -- based on the situation, there was just an officer involved shooting. I didn't know if this guy was barricaded. I don't know if he was hiding behind a car. I didn't know if he had run into a house. I figured that we'd have the tactical advantage by deploying at least one long gun on the situation.²⁰

Officer Clark

According to Officer Clark, he drew his service pistol knowing that an officer involved shooting had already occurred. Even though he did not know the details of the OIS, he knew it was a tactical situation that was “possibly going to require deadly force” to protect his partners and himself.

Officer Clark recalled,

So I unholstered my gun knowing that there was already an officer involved shooting, even though I didn't know the details, but it was a tactical situation that was possibly going to require deadly force to, you know, protect my partners and myself.²¹

Officer Hoyos (1st Occurrence)

According to Officer Hoyos, while engaged in the surveillance operation he heard a “shots fired” help call broadcast. Officer Hoyos immediately responded to the help call location and exited his vehicle. Based on the help call and observing Officers Garcia and Estrada with their pistols drawn in the direction of Lopez, Officer Hoyos unholstered his service pistol. Officer Hoyos was directed to a second suspect to the north and holstered his service pistol.

Officer Hoyos recalled,

And when they put out the help -- the help call all I heard was officer needs help, shots fired.²²

Went northbound Laurel across Beaty. That's where I see two officers on my west which would be Officer Abe Estrada -- Abraham Estrada and Guillermo Garcia pointing their firearms eastbound east direction.²³

I know when I exit the vehicle I unholstered my -- my firearm. The first time I exit the vehicle and also the second time when we took suspect two into custody.²⁴

I holstered my pistol. I lifted my shirt and I holstered my pistol.²⁵

²⁰ Officer Hegemier, Page 24, Lines 14-20

²¹ Officer Clark, Pages 25-26, Lines 23-2

²² Officer Hoyos, Page 19, Lines 16-17

²³ Officer Hoyos, Page 20, Lines 2-5

²⁴ Officer Hoyos, Page 25, Lines 3-6

²⁵ Officer Hoyos, Page 26, Lines 18-19

Officer Hoyos (2nd Occurrence)

According to Officer Hoyos, while engaged in the surveillance operation he heard a shots fired help call broadcast. Officer Hoyos immediately responded to the help call location and exited his vehicle. Officer Hoyos was directed to a second suspect that had fled northbound. Officers Hoyos and Trejo drove north, located Segura (second suspect), and exited their police vehicle. As Officer Hoyos exited his police vehicle he unholstered his service pistol, identified himself as a police officer, and ordered the suspect into a prone position. The suspect was later taken into custody.

Officer Hoyos recalled,

And when they put out the help -- the help call all I heard was officer needs help, shots fired.²⁶

I remember saying where's suspect two, and I'm not sure if it was Abraham Estrada or Officer Memo Garcia said northbound. I looked north and I could see what I believe was a male on the east curb walking northbound -- running or walking northbound.²⁷

I holstered my pistol. I lifted my shirt and I holstered my pistol.²⁸

As I exit the vehicle I unholstered my firearm again.²⁹

I continued northbound where I saw the suspect, suspect number two, stopped our vehicle, identified ourselves and proned them to the ground.³⁰

Officer Trejo

According to Officer Trejo, while engaged in the surveillance operation he heard a shots fired help call and did not know if the officers or suspects were struck by the shots fired. Officer Trejo immediately responded to the OIS scene and was directed north to a second suspect. Officer Trejo was uncertain if the suspect was a shooter and unholstered his service pistol because he believed that the second suspect could possibly be armed and the tactical situation could have escalated to possibly using "deadly force."

²⁶ Officer Hoyos, Page 19, Lines 16-17

²⁷ Officer Hoyos, Page 20, Lines 14-18

²⁸ Officer Hoyos, Page 26, Lines 18-19

²⁹ Officer Hoyos, Page 26, Lines 24-25

³⁰ Officer Hoyos, Page 20, Lines 23-25

Officer Trejo recalled,

*Well, at the time that I heard the shots fired car -- call, I didn't know if there was any -- don't know the circumstances of what had taken place there. I just knew that shots were fired. I didn't know if they were our officers or that were hit or the suspects were hit.*³¹

*So, the reason why I -- I withdrew my weapon is because at that point not knowing whether it was a shooter and I'm having believing that he was armed the tactical situation that I was involved in at the time would have escalated to possibly using force, deadly force.*³²

Officers Rodriguez, Hegemier, Clark, Trejo, and Hoyos were aware that Lopez was armed with a handgun as he walked through the area being monitored by the surveillance operation. They additionally heard the shots fired help call and responded to assist officers.

Based on the totality of the circumstances, I determined that an officer with similar training and experience as Officers Rodriguez, Hegemier, Clark, Trejo, and Hoyos, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Policy on the Use of Force

Use of De-Escalation Techniques³³

It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Factors Used to Determine Objective Reasonableness³⁴

The Department examines reasonableness using Graham v. Connor and the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation, based on the totality of the circumstances.

In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics;*

³¹ Officer Trejo, Pages 16-17, Lines 24-25 & 1-3

³² Officer Trejo, Pages 17-18, Lines 24-25 & 1-3

³³ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

³⁴ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

Use of Force – Deadly³⁵

It is the policy of this Department that deadly force shall be used only when necessary in defense of human life. Specifically, deadly force shall be used only to:

- *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or*
- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.*

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: *Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe*

³⁵ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force³⁶

The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.

Officer Garcia – .45 caliber, one round in an easterly direction from an approximate distance of 29 feet.

According to Officer Garcia, he held his service pistol in his left hand and opened the front passenger door of his vehicle with his right hand. Officer Garcia, cognizant that Lopez was closing the distance between Officers Estrada and himself, exited his vehicle. Officer Garcia squatted down and moved to the rear bumper of his police vehicle while holding his service pistol in a close contact position. As Lopez approached, his eyes were “locked on” to Officer Garcia’s vehicle with an “expression of anger” and “discontent.” Officer Garcia stated Lopez slowly raised his handgun and pointed it in their direction. Officer Garcia, while standing in a low-ready shooting stance, yelled, “Stop! Police! Hands Up!” Lopez “ignored” Officer Garcia’s commands and looked straight toward where Officer Estrada was seated in the police vehicle with a “dead stare.” Lopez brought his handgun up with his whole arm towards Officer Estrada with, what appeared to Officer Garcia, the “intent to shoot and kill” Officer Estrada. Officer Garcia came up on target and acquired his front sight and rear aperture. Officer Garcia discharged one round from his service pistol at Lopez. Officer Garcia assessed and noted that, after his discharged round, Lopez changed his position from a “bladed aggressive stance” directed at Officer Estrada and was turning away from himself and Estrada. Officer Garcia recalled,

Suspect had stopped - - had stopped and just - - like I said, he had - - he made like a deliberate like planted his foot, looked back, turned his - - like his left shoulder and he looked like he turned towards our direction. I saw the facial expression on his face. It was a combination of like a - - scoff and kind of and squinted his eyes towards our - - his - - towards our vehicle.³⁷

The suspect at this time he's - he's now closed the distance and now I see him about halfway - halfway on the street in the middle of the street.³⁸

³⁶ Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

³⁷ Officer Garcia, Page 24, Lines 5-12

³⁸ Officer Garcia, Page 28, Lines 1-4

At this moment in time, I -- I see the -- now that he's -- that he's gotten closer he's raised his hand and his elbow a lot higher now that I can see the firearm fully exposed and was slowly canting it.³⁹

Then slowly bringing up -- bringing up his forearm and his whole arm -- elbow, arm almost in the direction of where my partner was seated. I knew his eyes were locked on in -- in that -- in that direction because as I'm coming up also from the low ready, I yell out, "Stop. Police. Hands up." He ignores my commands and I saw -- I saw the look on his eyes. It was just a straight just dead stare towards the direction of where my partner was seated. At that -- at that moment, I knew that the situation was going to lead to a -- a use of deadly force.⁴⁰

When I see the firearm, I also see the -- the look and expression on his -- of his face. He was looking towards our direction with -- with some sort of anger, discontent and it's -- from that moment, I exited the vehicle.⁴¹

I remember coming up on target, acquired my front sight and rear aperture. I remember coming up and I was focused on my -- on my front sight and the suspect was still -- was still in view. He was -- he was -- he looked blurry but I knew he was there. I knew -- I -- I knew his intent. I believed that his intent was to -- to shoot and kill my partner and -- and potentially shoot me as well. So, as I'm target I -- as I'm on target and I fire once. I press the trigger. The round goes off. And as I -- as I assess after the first round I noticed that he was now -- I noticed that he had went from the standing posture like he was -- the way he was standing he went from the bladed like position almost like an aggressive stance towards my -- my partner but he was bringing up the firearm to point it in his direction. And it had now -- after I had fired, I know he now had changed; his position had changed. It was now turning away from me and he began to somewhat run and -- and -- and -- and run and fall at the same time like away from us.⁴²

Now his elbow has risen up a little bit higher. The gun's out and it starts making a direction of -- a pointing motion towards my partner.⁴³

Background – According to the FID investigation, the OIS occurred on the street in front of 11711 Laurel Avenue, in the City of Whittier. Laurel Avenue was a north/south street that had one lane of traffic for each direction and parking along the east and west curbs. The surrounding area was residential and consisted primarily of single-family dwellings. The 11700 block of Laurel Avenue was bordered by Meyer Road to the north and Beaty Avenue to the south. The incident occurred during the hours of daylight at approximately 1701 hours. The environmental conditions were dry with clear skies. Officer Garcia discharged one round from his service pistol in an easterly direction. According to Officer Garcia, at the time of the OIS, there were

³⁹ Officer Garcia, Page 29, Lines 8-12

⁴⁰ Officer Garcia, Page 29, Lines 15-25

⁴¹ Officer Garcia, Page 26, Lines 19-23

⁴² Officer Garcia, Page 30, Lines 1-19

⁴³ Officer Garcia, Page 63, Lines 14-16

parked vehicles and residences behind Lopez. Officer Garcia did not observe any people in behind Lopez at the time of the OIS.

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Garcia's use of deadly force. The UOFRB noted that Officers Garcia and Estrada attempted to avoid confrontation with Lopez by remaining in their unmarked police vehicle and reclining their seats in order to avoid detection. They did not attempt to detain Lopez and were attempting to allow him to leave the area in order to have a uniformed police officer make contact with him. Lopez chose to reverse his course and move deliberately across the street directly towards Officer Garcia and Estrada, who were still concealed in their vehicle. Lopez then chose to remove his handgun from his duffel bag and raise it toward Officers Garcia and Estrada.

The UOFRB noted Officer Garcia's perception that Lopez had raised the handgun and pointed it in the direction of Officers Garcia and Estrada. After reviewing the surveillance video of the OIS, the UOFRB noted that Lopez did not appear to fully raise his arm. However, the UOFRB noted that Lopez was in possession of the handgun and pointed it in the direction of the officers. In addition, the UOFRB determined that Lopez' right elbow appeared be cocked back. The UOFRB noted that Lopez posed in imminent threat of serious bodily injury or death to Officers Garcia and Estrada with his handgun and that Officer Garcia was not required to wait until Lopez had his handgun fully pointed on target toward the officers.

The UOFRB also noted that Officer Garcia redeployed to a position of cover and attempted to identify himself as a police officer and ordered Lopez to stop his actions. Lopez did not heed Officer Garcia's orders and continued to move towards Officer Estrada's direction. Officer Garcia was left with minimal time to confront the deadly threat posed by Lopez who was armed with a handgun. Officer Estrada discharged a single round at Lopez and immediately conducted an assessment. Officer Garcia observed Lopez fall onto the sidewalk and assessed Lopez' no longer posed an imminent deadly threat. The UOFRB noted that Officer Garcia displayed restraint and fire discipline throughout the rapidly evolving deadly force situation.

The UOFRB also noted that Officer Estrada, despite not firing his service pistol, was in the process of deploying deadly force by raising his service pistol and gaining a sight picture of Lopez. When Officer Estrada heard Officer Garcia discharge his service pistol, Officer Estrada immediately reassessed and found that Lopez no longer posed an imminent deadly threat. Officer Estrada demonstrated restraint and situational awareness during a rapidly evolving deadly force situation.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Garcia, would reasonably believe Lopez's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force was necessary and objectively reasonable.

Therefore, I find Officer Garcia's use of lethal force to be In Policy, No Further Action.

Additional/Equipment

Baton – Officer Tudor did not have her side handle baton or a collapsible baton on her person during this incident. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of Counter-Terrorism and Special Operations Bureau (CTSOB) and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Hobble Restraint Device (HRD) – Officer Tudor did not have a Hobble Restraint Device on her person during this incident. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Vehicle Code Violations (License Plates) – Officer Hoyos covered the Exempt license plates of his unmarked police vehicle with temporary California paper license plates during the surveillance operation. Captain Valenzuela advised that Officer Hoyos has since corrected the action and removed the temporary license plates from the police vehicle. Captain Valenzuela advised that the issue was addressed through the generation of a SAI and informal counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Police Attire – Officer Estrada exited his police vehicle in response to Lopez, who was armed with a handgun, walking towards him and his partner. Officer Estrada believed that his police badge was secured to his belt and that it was visible. The FID investigation revealed that based on photo graphs taken of Estrada after the OIS incident, Officer Estrada's untucked shirt would have covered his badge. The Use of Force - Tactics Directive No. 10.3 (Undercover and Surveillance Operations) states, "If officers attempt to take a suspect into custody, absent exigent circumstances (immediate and life-threatening), they shall be: Identifiable as police officers; and, wearing body armor." Captain Valenzuela advised that this issue was addressed through the generation of a SAI and informal counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Officers Hegemier and Hoyos did not have a "POLICE" patch on the rear of their tactical vests. Captain Valenzuela advised that this issue was addressed through the administrative and supervisory staff of Metropolitan Division completing a project to confirm and ensure uniformity of the markings on the tactical vests used by Metropolitan Division officers. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Body Worn Video – BWV (Late Activation) – The investigation revealed that Officer Tudor had a late activation of her BWV. She activated her BWV approximately five minutes after detaining Segura. Metropolitan Division conducted an analysis and determined Officer Tudor had no prior BWV non-compliance incidents. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and informal training. The Commanding Officer of

CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officer Purece had a late activation of his BWV. He did not activate his BWV during his Code Three response to the Help Call but did activate his BWV prior to exiting his police vehicle. Metropolitan Division conducted an analysis and determined Officer Purece had one prior BWV non-compliance incident. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Counter-Terrorism and Special Operations Bureau conducted a random inspection of BWV assigned to Officer Tudor from April 1, 2020 through May 31, 2020, and to Officer Purece from April 1, 2020 through August 1, 2020, for compliance with timely activations. The results of the inspections indicated that Officers Tudor and Purece were in compliance.

Medical Treatment (Rendering Aid) – At approximately 1700:53 hours, Officer Garcia broadcast an OIS help call, which resulted in CIT personnel responding to the OIS scene. Officer Rodriguez was the first officer to arrive to the OIS scene and took cover behind a parked grey truck. He observed that Lopez was laying behind the grey truck and was bleeding. Officer Rodriguez stated he requested the officers behind him, which he believed were Officers Hegemier and Clark, to request an RA for Lopez. Officer Rodriguez did not make request because he was the point officer covering Lopez, who was not in custody. Officers Hegemier and Clark stated an RA request was made, but not by them. They were unsure who had made the RA request. Officers Clark, Hegemier, Rodriguez, Garcia and Estrada formulated a tactical plan to take Lopez into custody. At approximately 1704:45 hours, the officers approached Lopez and took him into custody without incident. At approximately 1705:30 hours, shortly after arriving to the OIS, Sergeant Kim requested a RA for Lopez. At approximately 1717:38 hours, LACFD Squad No. 20 and CARE Ambulance Services responded to the OIS scene and rendered aid to Lopez.

Search of Arrestee – Officer Tudor, a female officer, searched Segura, a male. Officers Purece, Trejo, and Hoyos, who were male officers, were standing nearby. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – None of the police vehicles at scene were equipped with DICVS.

Body Worn Video (BWV) – Officers Tudor and Purece's BWV captured portions of the post-OIS events but did not capture the use of force.

The Honorable Board of Police Commissioners

Page 39

3.2

Officer Purece's BWV captured their response to the scene as well as the detention of Segura. In addition, the BWV captured Lopez' transportation to the hospital, as well as multiple spontaneous statements made by Lopez following the OIS.

Officer Tudor's BWV captured her speaking with Segura and obtaining information for a Field Interview Card (FI Card).

Respectfully,


MICHEL R. MOORE
Chief of Police

Date: 1-28-21

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

| | | |
|-------------------|--------|-----------------------|
| INC NO. 011-20 | CF NO. | DR. NO. 20-9913713 |
| OIS | | |

REVIEW BOARD INFORMATION

| | | | |
|---|--|---|--|
| Location of Incident 11711 Laurel Avenue, Whittier, CA | RD 9999 | Date of Incident March 31, 2020 | Date and Time of Board Review January 14, 2021, 1000 hours |
| Chairman Assistant Chief B. Girmala, Serial No. 24916 | Signature of Approving Board Members: | | |
| Member (Office Representative) Assistant Chief H. Frank, Serial No. 25958 | 34962 for | | |
| Member (Training Bureau) Commander M. Reina, Serial No. 34490 | 34962 for | | |
| Member (Bureau) Commander D. Kowalski, Serial No. 33157 | 34962 for | | |
| Peer Member (Officer) Officer N. Geithelm, Serial No. 37631 | 34962 for | | |
| Peer Member (Sergeant) Sergeant E. Guerra, Serial No. 38136 | 34962 for | | |
| Training Division Sergeant G. Ryan, Serial No. 30193 | 34962 for | | |
| Presenting Commanding Officer Captain C. Valenzuela, Serial No. 33440 | 34962 for | | |
| NOTES: VIRTUAL VOFRB DUE TO COVID RESTRICTIONS WITNESSED BY: [Signature] 41225 OFFER ROBLES [Signature] 34962 (Sgt Alvarez) JUSE | | | |
| ADDITIONAL CONSIDERATIONS: | | | |
| MODIFICATION TO PRESENT POLICY, PRACTICES OR TRAINING: | | | |
| <div style="text-align: right;"> RECEIVED POLICE COMMISSION 2021 JAN 28 PM 3:24 +8 </div> <div style="text-align: right;"> COP Date Signed: 1/28/21 PC Date Submitted: 1/28/21 </div> | | | |

| | | | | |
|---|---|--|---|-------------------------------|
| Employee (Last Name, First, Middle) Garcia, Guillermo | | Serial No. 38089 | Rank/Class Police Officer III | Incident No. 011-20 |
| Length of Employment 13 years, 10 months | Current Division Metropolitan | Time in Current Division 4 years, 8 months | | |

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|---|---|--|
| Use of Force Review Board | Chief of Police | Police Commission |
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
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| <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes: JD Juan 349VL

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | Notes: |
|---|--------|

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

| | | | | |
|---|--|--|---|---|
| Employee (Last Name, First, Middle) Estrada, Abraham | | Serial No. 38040 | Rank/Class Police Officer III | Incident No. 011-20 |
| Length of Employment 13 years, 10 months | | Current Division Metropolitan | | Time in Current Division 0 years, 11 months |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
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| Notes: JA 3442 JA 3442 | | | | |
| Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint | | Notes: | | |
| <input type="checkbox"/> Employee's Work History Reviewed | | | | |

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

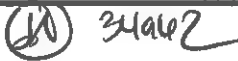
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|--|--|---|---------------------------------|--|
| Employee (Last Name, First, Middle) Kim, James | | Serial No. 32184 | Rank/Class Sergeant I | Incident No. 011-20 |
| Length of Employment 24 years, 6 months | | Current Division Metropolitan | | Time in Current Division 4 years, 4 months |

| Use of Force Review Board | Chief of Police | Police Commission |
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| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
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Notes: (JA) 34912 (JN) 34912

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | Notes: |
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*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

| | | | | |
|--|---|--|--|---|
| Employee (Last Name, First, Middle) Rodriguez, Ruben | | Serial No. 38654 | Rank/Class Police Officer III | Incident No. 011-20 |
| Length of Employment 12 years, 11 months | Current Division Metropolitan | | Time in Current Division 4 years, 7 months | |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
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| Notes: <div style="text-align: center;">  CUP Added Resnauer as SIP AFTER VOFRB </div> | | | | |
| Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | | Notes: | | |

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

| | | | | |
|---|---|----------------------------|--|-------------------------------|
| Employee (Last Name, First, Middle) Hegemier, Brian | | Serial No. 40216 | Rank/Class Police Officer III | Incident No. 011-20 |
| Length of Employment 10 years, 9 months | Current Division Metropolitan | | Time in Current Division 4 years, 7 months | |

| Use of Force Review Board | Chief of Police | Police Commission |
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| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
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Notes:

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | Notes: |
|---|---------------|

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

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|--|--|---|---|--|
| Employee (Last Name, First, Middle) Clark, Kristopher | | Serial No. 39587 | Rank/Class Police Officer III | Incident No. 011-20 |
| Length of Employment 11 years, 7 months | | Current Division Metropolitan | | Time in Current Division 4 years, 7 months |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Notes: <div style="text-align: center; margin-top: 20px;"> <p>34962</p> <p>COP ASSES CLARK AS SIP ATOL VFFR</p> </div> | | | | |
| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint | | Notes: | | |
| <input type="checkbox"/> Employee's Work History Reviewed | | | | |

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

| | | | | |
|--|---|----------------------------|--|-------------------------------|
| Employee (Last Name, First, Middle) Trejo, Moses | | Serial No. 37913 | Rank/Class Police Officer III | Incident No. 011-20 |
| Length of Employment 14 years, 2 months | Current Division Metropolitan | | Time in Current Division 0 years, 6 months | |

| Use of Force Review Board | Chief of Police | Police Commission |
|--|---|--|
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes:

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | Notes: |
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***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

| | | | | |
|--|--|---|---|--|
| Employee (Last Name, First, Middle) Hoyos, Armando | | Serial No. 36676 | Rank/Class Police Officer III | Incident No. 011-20 |
| Length of Employment 17 years, 3 months | | Current Division Metropolitan | | Time in Current Division 4 years, 8 months |

| Use of Force Review Board | Chief of Police | Police Commission |
|--|---|--|
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes:



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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | Notes: |
|---|---------------|

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

| | | | | |
|---|--|---|---|--|
| Employee (Last Name, First, Middle) Muro, Edgar | | Serial No. 36863 | Rank/Class Police Officer III | Incident No. 011-20 |
| Length of Employment 16 years, 11 months | | Current Division Metropolitan | | Time in Current Division 4 years, 7 months |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Notes: (JA) suaw <div style="text-align: center; font-size: 1.2em;"> COP ASKED MURO AS SIP AFTER UOFRB </div> | | | | |
| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | | Notes: | | |

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

| | | | | |
|---|--|---|---|--|
| Employee (Last Name, First, Middle) Bustamonte, Anson | | Serial No. 40558 | Rank/Class Police Officer III | Incident No. 011-20 |
| Length of Employment 9 years, 9 months | | Current Division Metropolitan | | Time in Current Division 4 years, 5 months |

| Use of Force Review Board | Chief of Police | Police Commission |
|--|---|--|
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes: ① 34962

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | Notes: |
|---|--------|

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.